

## Message Text

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ACTION L-01

INFO OCT-01 SS-14 ISO-00 EUR-08 PM-03 NSCE-00 INR-05  
CIAE-00 NSAE-00 DODE-00 EB-04 SSO-00 INRE-00 /036 W  
-----051643 141445Z /46

O R 141115Z JUN 78  
FM USMISSION USBERLIN  
TO SECSTATE WASHDC IMMEDIATE 7002  
AMEMBASSY BONN  
INFO CINCUSAREUR HEIDELBERG GER (AEAGB)

C O N F I D E N T I A L SECTION 1 OF 4 USBERLIN 1387

LIMDIS  
BONN FOR PFUND; DEPT FOR L AND EUR  
CINCUSAREUR FOR POLAD, AEAGC-COC & AEAGB-PDN (I&W)

E O 11652: GDS  
TAGS: PGOV AKB  
SUBJ: SEIZURE AND CONFISCATION OF US ORIGIN MAIL BY BERLIN  
POSTAL AUTHORITIES

SUMMARY: U.S. AUTHORITIES HAVE BEEN ADVISED BY BERLIN POSTAL  
AUTHORITIES (LANDESPSTDIREKTION-LPD) OF INSTRUCTIONS FROM  
FEDERAL POSTAL AUTHORITIES TO INTERCEPT NAZI PROPAGANDA MAILED  
FROM THE UNITED STATES. INSTRUCTION RAISES QUESTIONS CONCERNING  
AUTHORITY (I.E. LACK OF IT IN PRINCIPLE) OF FEDERAL AGENCIES  
TO INSTRUCT BERLIN AGENCIES. ALSO AT ISSUE IS WHETHER U.S.  
AUTHORITIES IN BERLIN SHOULD TAKE AFFIRMATIVE ACTION TO PREVENT  
PROPOSED SEIZURE AND CONFISCATION OF MAIL BY LDP. MAIL IN QUES-  
TION VIOLATES ALLIED LAW IN FORCE IN BERLIN. IT WOULD BE SEIZED  
AND CONFISCATED BY LPD IN ACCORDANCE WITH SUCH LAW AND ALLIED  
INSTRUCTIONS. WE HAVE NO DOUBT THAT LPD WOULD SIMPLY HAVE TAKEN  
ACTION WITHOUT INFORMING ALLIES HAD U.S. ORIGIN MAIL NOT BEEN  
INVOLVED. IN MISSION VIEW, U.S. AUTHORITIES SHOULD TAKE  
NO RPT NO ACTION TO PREVENT SEIZURE AND CONFISCATION  
AND SHOULD REPLY TO LDP ALONG LINES TO TEXT IN PARA  
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8 BELOW. ACTION REQUESTED: DEPARTMENT APPROVAL SOONEST  
OF APPROACH REFLECTED IN DRAFT LETTER IN PARA 8. END SUMMARY.

1. IN LATE MAY, U.S. AUTHORITIES RECEIVED LETTER FROM  
LANDESPSTDIREKTION BERLIN (LDP) SUBSTANCE OF WHICH IS  
PROVIDED BELOW IN INFORMAL TRANSLATION:  
BEGIN TEXT

TO: LIAISON OFFICE OF THE AMERICAN FORCES TO THE LANDESPOST-  
DIREKTION BERLIN  
REF: SECTOR ORDINANCE 501  
SUBJECT: IMPORTATION OF NATIONAL SOCIALIST PROPAGANDA MATERIAL  
FROM THE USA

THE FEDERAL MINISTRY FOR POST AND TELECOMMUNICA-  
TION SYSTEMS HAS ISSUED THE FOLLOWING INSTRUCTIONS TO  
ALL POSTAL DIRECTORATES AND TO THE LANDESPOSTDIREKTION

BERLIN (LDP):

"ACCORDING TO THE INFORMATION PROVIDED TO US BY THE  
FEDERAL CRIMINAL OFFICE, THERE HAS BEEN AN EVER INCREASING  
INFLUX OF NAZI PROPAGANDA MATERIAL VIA MAIL CHANNELS  
FROM THE USA INTO THE FEDERAL REPUBLIC OF GERMANY. THIS  
MATERIAL IS BEING MAILED BY THE NSDAP-AO, AN ORGANIZA-  
TION FOUNDED SEVERAL YEARS AGO. THE POSTAL ITEMS CONTAIN  
SOME PRINTED MATTER, BUT PREDOMINANTLY POSTERS, LEAFLETS,  
STICKERS, AND SIMILAR MATERIAL. THESE ITEMS WERE  
IDENTIFIED IN SHIPMENTS WHICH COULD NOT BE DELIVERED  
BECAUSE OF INSUFFICIENT ADDRESSES.

ACCORDING TO OUR INFORMATION THESE ITEMS ORIGINATE  
IN NEW YORK, INDIANAPOLIS AND LINCOLN, NEBRASKA AND ARE  
FORWARDED VIA AIR MAIL AND SURFACE MAIL TO MANY  
RECIPIENTS IN THE FEDERAL REPUBLIC WHO, IN TURN, DISSEMI-  
NATE THEM TO OTHERS. THE POSTAL SHIPMENTS CARRY THE  
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FOLLOWING RETURN ADDRESSES:

- A. KOEHL, MATTHIAS, 2507 NORTH FRANKLIN ROAD,  
ARLINGTON, VIRGINIA 22201.
2. P.O. BOX 6414, LINCOLN, NEBRASKA 68506, USA.  
THE SENDER IS LAUX, GARY REX, 6401 AVENUE,  
LINCOLN, NEBRASKA USA.

SINCE THE IMPORTATION OF NAZI PROPAGANDA MATERIAL  
IS PUNISHABLE UNDER ARTICLE 86, 86A OF THE FEDERAL  
CRIMINAL CODE A BASIS FOR PREVENTING THE DISSEMINATION  
OF THE AFOREMENTIONED PRINTED MATERIALS AND FOR THE  
IDENTIFICATION OF DESSEMINATION NETWORK IS PROVIDED BY  
THE FEDERAL LAW REGULATING THE CONFISCATION OF FORBIDDEN  
MATERIALS (GESETZ ZUR UEBERWACHUNG STRAFRECHTLICHER  
UND ANDERER VERBUNDGUNSVERBOTE - OR GUEV) DATED 24  
MAY 1961. SINCE ALL POSTAL ITEMS FROM THE USA BEARING  
THE ABOVE LISTED RETURN ADDRESSES CAN BE RIGHTFULLY

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ACTION L-01

INFO OCT-01 SS-14 ISO-00 EUR-08 PM-03 NSCE-00 INR-05  
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-----051659 141446Z /40

O R 141115Z JUN 78  
FM USMISSION USBERLIN  
TO SECSTATE WASHDC IMMEDIATE 7003  
AMEMBASSY BONN  
INFO CINCUSAREUR HEIDELBERG GER

C O N F I D E N T I A L SECTION 2 OF 4 USBERLIN 1387

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ASSUMED TO CONTAIN NATIONAL SOCIALIST PROPAGANDA MATERPAL  
THEY ARE TO BE DELIVERED TO THE APPROPRIATE CUSTOM OFFICE  
WITH APPROPRIATE IDENTIFICATION. THIS DIRECTIVE IS  
BSAED ON ARTICLE 3 OF THE GUEV."

THE LPD BERLIN, HAS NOT ACTED ON THE ABOVE INSTRUC-  
TIONS SINCE THE GUEV HAS NOT BEEN EXTENDED TO BERLIN,  
AND SEINCE THE PROVISIONS OF SECTOR ORDINANCE 501, DATED  
11 SEPT 1950, AND THE IMPLEMENTING INSTRUCTIONS TO  
SECTOR ORDINANCE 501, DATED 28 FEBRUARY 1961 REQUIRE  
THE PRIOR APPROVAL OF THE CORRESPONDING ALLIED SECTOR  
COMMANDANT, IF DEEMED NECESSARY.

WE THEREFORE REQUEST YOUR DECISION ON HOW TO HANDL  
ANY POSTAL MATERIAL IN THIS CATEGORY WHICH IS RECEIVED  
BY THE LPD FOR RECIPIENTS IN THE AMERICAN SECTOR. IT  
IS PARTICULARLY IMPORTANT FOR US TO KNOW WHETHER  
ACTIVE PREVENTIVE MEASURES ARE TO BE TAKEN FOR THE  
IDENTIFICATION OF ALL SUCH POSTAL MATERIAL AS IT ARRIVES  
IN BERLIN, OR WHETHER TO LIMIT CONTROL MEASURES TO  
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ONLY MAIL ITEMS WHICH ARE ACCIDENTALLY OR INDAD-  
VERTENTLY IDENTIFIED AS CONTAINING NAZI PROPAGANDA.  
IN THE FIRST COURSE OF ACTION, IT WOULD BE NECESSARY  
TO SYSTEMATICALLY EXAMINE ALL MAIL ITEMS ARRIVING IN  
BERLIN FROM THE USA, AS IT IS DONE IN THE FEDERAL

REPUBLIC. HOWEVER, SUCH ACTION WOULD NECESSITATE THE EXPENDITURE OF CONSIDERABLE RESOURCES.

WE WOULD BE VERY GRATEFUL IF YOUR DECISION (WHICHEVER IT WILL BE) COULD BE VALID FOR ALL AREAS UNDER THE CONTROL OF THE LPD BERLIN.  
END TEXT

2. THIS LETTER RAISES A MAJOR ISSUE WHICH IS NOT REPEAT NOT THE ISSUE AT HAND IN THIS MESSAGE. FOR ADDRESSEES INFORMATION, HOWEVER, THAT ISSUE IS: THE INSTRUCTIONS FROM THE BUNDESPOST TO THE LPD REFLECT AN ATTEMPT OF THE FEDERAL AUTHORITIES TO EXERCISE DIRECT STATE AUTHORITY OVER A BERLIN AGENCY. DESPITE OUR PROTESTATIONS TO THE SOVIETS, USCH EXERCISES OF FEDERAL AUTHORITY OVER BERLIN DO OCCUR, AND THEY TEND TO OCCUR IN THE KIND OF ADMINISTRATIVE SITUATION REFLECTED IN THE INSTANT CASE. IN A SENSE THE ISSUANCE OF SUCH INSTRUCTIONS BY A FEDERAL AGENCY, HERE THE BUNDESPOST, IS A NATURAL COROLLARY OF THE TIS THAT EXIST BETWEEN THE FEDERAL AND BERLIN AGENCY, HERE THE LPD; AND OF THE INTERNAL FRG LEGAL THEORY THAT FOR "DOMESTIC" PURPOSES BERLIN IS INDEED TO BE TREATED AS A LAND OF THE FRG. THE INSTANT CASE IS MADE ALL THE WORSE BECAUSE THE LAW UPON WHICH THE BUNDESPOST ORDER IS BASED HAS NOT BEEN EXTENDED TO BERLIN. IT WAS NOT EXTENDED BECAUSE ALLIED LEGISLATION IN THE AREA REMAINS IN EFFECT. THAT LEGISLATION TOGETHER WITH ADDITIONAL IMPLEMENTING INSTRUCTIONS ARE REAATED BELOW IN PARAS 3 AND 4 FOR  
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INFORMATION. HOWEVER, MISSION SEES NOTHING TO BE GAINED IN RAISING WITH BERLIN AUTHORITIES INAPPROPRIATENESS OF BUNDESPOST INSTRUCTION, AND DOES NOT REPEAT NOT INTEND TODO SO. HOWEVER, SHOULD EMBASSY WISH TO DO SO IN BONN GEOUN, US REP SHOULD BE ADVISED THAT BRITISH AND FRENCH BONN GROUP REPS ARE NO REPEAT NO LIKELY TO HAVE BEEN INFORMED OF MATTER BY THEIR BERLIN MISSIONS.

3. SECTOR ORDINANCE 501 READS AS FOLLOWS:

ORDINANCE 501

CONTROL OF WRITTEN, PRINTED OR INSCRIBED MATTER

IT IS HEREBY ORDERED:

1. WITHOUT THE PERMISSION OF THE COMMANDANT OF THIS SECTOR OR HIS AUTHORIZED REPRESENTATIVE, IT IS PROHIBITED IN ANY MANNER WHATSOEVER, TO IMPORT INTO, POSSESS, DISTRIBUTE, POST, PRINT, INSCRIBE OR REPRODUCE WITHIN THIS SECTOR OF BERLIN ANY WRITTEN, PRINTED OR INSCRIBED MATTER WHICH

A) CONTRIBUTES TOWARDS THE SPREADING OF MILITARIST, FASCIST OR

ANTI-DEMOCRATIC IDEAS, OR WHICH  
B) CONTAINS DEROGATORY STATEMENTS CONCERNING ANY OF THE  
OCCUPYING POWERS, OR WHICH  
C) SPREADS RUMORS DESIGNED TO CAUSE DISTRUST OR A HOSTILE  
ATTITUDE ON THE PART OF THE GERMAN PEOPLE TOWARDS ANY OF THE  
OCCUPYING POWERS, OR WHICH

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ACTION L-01

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CIAE-00 NSAE-00 DODE-00 EB-04 SSO-00 INRE-00 /036 W  
-----052488 141447Z /40

O R 141115Z JUN 78  
FM USMISSION USBERLIN  
TO SECSTATE WASHDC IMMEDIATE 7004  
AMEMBASSY BONN  
INFO CINCUSAREUR HEIDELBERG GER

C O N F I D E N T I A L SECTION 3 OF 4 USBERLIN 1387

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D) IS DESIGNED OR LIKELY TO CAUSE UNREST, DISORDERS OR RIOTS  
WITHIN THIS SECTOR, OR WHICH  
E) IS DESIGNED TO OBTAIN SUPPORT FOR ANY ORGANIZATIONS WHOSE  
OBJECT IS THE INTRODUCTION OF A TOTALITARIAN REGIME, OR WHICH  
F) APPEALS TO PERSONS TO TAKE ACTION AGAINST DEMOCRATIC MEASURES  
UNDERTAKEN BY, OR ON BEHALF OF, THE COMMANDANT OF THIS SECTOR OF  
BERLIN.

2. THE USE OF THE FACILITIES OF THE DEUTSCHE POST,  
OR OF ANY OTHER TRANSPORT FACILITIES, IN THE UNAUTHOR-  
IZED DISTRIBUTION OF THE WRITTEN, PRINTED OR INSCRIBED  
MATTER DESCRIBED IN PARAGRAPH 1 IS HEREBY PROHIBITED.

3. ANY WRITTEN, PRINTED OR INSCRIBED MATTER FALLING  
UNDER THE PROVISIONS OF THIS ORDER WILL, WITH THE AUTHOR-  
ITY OF THE COMMANDANT OF THIS SECTOR OF BERLIN, OR HIS  
AUTHORIZED REPRESENTATIVE, BE SEIZED OR CONFISCATED.

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4. OFFENDERS WILL BE PROSECUTED FOR ANY BREACH OF THIS ORDER EITHER IN THE OCCUPATION COURTS OF THIS SECTOR OR IN THE APPROPRIATE GERMAN COURTS.

5. THIS ORDER TAKES EFFECT ON 16TH SEPTEMBER 1950.

4. FOLLOWING IS TEXT OF BK/L(61)8 INSTRUCTION CONCERNING IMPLEMENTATION OF SECTOR ORDINANCE 501 REFERRED TO IN LPD LETTER:

SUBJECT: IMPLEMENTATION OF ORDINANCES NOS. 501  
TO: THE GOVERNING MAYOR, BERLIN

DEAR MR. MAYOR:

1. THE ALLIED KOMMANDANTURA CONSIDERS THAT IT IS NECESSARY TO CLARIFY THE POWERS OF ACTION UNDER PARAGRAPH 3 OF ORDINANCE NOS. 501 ISSUED BY EACH SECTOR COMMANDANT.  
2. WHENEVER IT APPEARS NECESSARY TO THE GERMAN AUTHORITIES THAT ACTION BE TAKEN UNDER PARAGRAPH 3 OF ORDINANCES NOS. 501, THE MATTER WILL BE REFERRED TO THE PUBLIC SAFETY BRANCH OF THE SECTOR CONCERNED FOR PRIOR AUTHORIZATION WHEN THE PROPOSED SEIZURE OR CONFISCATION WOULD CONSTITUTE A MAJOR OR IMPORTANT OPERATION OR THE OFFENSIVE MATERIAL CONTAINS SERIOUS ATTACKS UPON THE OCCUPYING POWERS. IN ALL OTHER CASES THE GERMAN AUTHORITIES ARE AUTHORIZED TO CARRY OUT SEIZURES AND CONFISCATIONS IN ACCORDANCE WITH PARAGRAPH 3 OF THE SAID ORDINANCE WITHOUT PRIOR REFERENCE TO THE ALLIED AUTHORITIES.

5. IN MY VIEW IT IS NOT REPEATED NECESSARY FOR US PUBLIC SAFETY ADVISER TO GIVE LPD PRIOR AUTHORIZATION (REFERRED TO IN BK/L(61)8, PARA 2) TO SEIZE AND CONFISCATE MAIL IN QUESTION. IN OUR (AND LPD'S) OPINION PRO-  
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POSED SEIZURE AND CONFISCATION DOES NOT REPEAT NO CONSTITUTE "MAJOR OR IMPORTANT OPERATION" WITHIN MEANING OF THE BK/L, NOR DOES THE MATERIAL CONTAIN "SERIOUS ATTACKS UPON THE OCCUPYING POWERS". LPD HAS REFERRED THIS MATTER TO US SIMPLY BECAUSE THEY ARE AWARE OF US AUTHORITIES' CONCERN IN OTHER SITUATIONS OF THE INTERCEPT OF US ORIGIN MAIL, AND BECAUSE THEY HOPE US AUTHORITIES CAN AGREE TO RESULT WHICH WILL MAXIMIZE

EFFICIENT USE OF LPD PERSONNEL.

6. THE LATTER POINT IS RELATED TO THE FACT THAT THE BRANCH OF THE BERLIN POST OFFICE WHICH RECEIVED INTERNATIONAL MAIL IS LOCATED IN THE US SECTOR. WERE WE TO PREVENT POSTAL AUTHORITIES IN THE US SECTOR FROM INTERCEPTING THIS MAIL, IT COULD STILL BE DONE IN THE BRANCH OFFICES IN THE FRENCH AND BRITISH SECTORS, BUT MUCH LESS EFFECTIVELY AND WITH AN INEFFICIENT USE OF LPD MANPOWER. (WE HAVE NO DOUBT THAT BRITISH AND FRENCH WOULD WANT MAIL TO BE SEIZED AND CONFISCATED.) THE END RESULT WOULD BE THAT ALL SUCH NAZI PROPAGANDA COMING FROM THE US ADDRESSED TO PERSONS IN THE US SECTOR WOULD REACH THEIR DESTINATION, WHEREAS ONLY SOME OF THE MAIL ADDRESSED TO PERSONS IN THE BRITISH AND FRENCH SECTORS WOULD REACH THEIRS. THERE IS A RISK THAT THE SENDERS WOULD DISCOVER THE LOOPHOLE AND ROUTE THE MAILINGS THROUGH THE US SECTOR.

7. IN ADDITION, MISSION BELIEVES THAT US AUTHORITIES SHOULD TAKE NO REPEAT ACTION TO PREVENT INTERCEPT BY LPD FOR FOLLOWING REASONS: SUCH SEIZURE AND CON-

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ACTION L-01

INFO OCT-01 SS-14 ISO-00 EUR-08 PM-03 NSCE-00 INR-05  
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-----099393 161521Z /42 40

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FM USMISSION USBERLIN  
TO SECSTATE WASHDC IMMEDIATE 7005  
AMEMBASSY BONN  
INFO INCUSAREUR HEIDELBERG GER

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CORRECTED COPY (TEXT)

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DEPT FOR L AND EUR  
CINCUSAREUR FRO POLAD, AEAGC-CIC & AEAGB-PDN (I&W)

FISCATION IS IN FACT MANDATED BY ALLIED LAW IN FORCE IN BERLIN. (I.E. SECTOR ORDINANCE 501 AND BKXL(61)8). FURTHERMORE, SUCH NAZI PROPAGANDA, IF VIEWED EITHER AS POLITICAL AGITATION OR AS AN ATTEMPT TO RECONSTITUTE OR REVIVE THE NSDAP (I.E. THE NAZI PARTY), IS, AS THE CHAIRMAN (US) LEGAL ADVISER REMINDED THE BERLIN COURTS IN AUGUST 1977, PROHIBITED IN BERLIN BY ALLIED LEGISLATION.

8. THEREFORE, MISSION PROPOSES TO SEND REPLY TO LPD  
ALONG FOLLOWING LINES:  
BEGIN TEXT

REF: SECTOR ORDINANCE 501  
SUBJECT: IMPORTATION OF NATIONAL SOCIALIST PROPAGANDA MATERIAL  
FROM THE USA

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DEAR SIRs:

WE HAVE REVIEWED THE INFORMATION CONTAINED IN YOUR LETTER OF MAY 1978 CONCERNING THE INFLUX OF NAZI PROPAGANDA MATERIAL THROUGH THE MAIL FROM THE UNITED STATES INTO BERLIN. YOU HAVE CORRECTLY REFERRED TO THE APPLICABLE ALLIED LEGISLATION AND IMPLEMENTING INSTRUCTIONS IN THIS AREA, RESPECTIVELY SECTOR ORDINANCE 501 AND BK/L(61)8.

IN RESPONSE TO THE IQUIRY POSED IN YOUR LETTER, YOU ARE ADVISED THAT, WHILE THE US AUTHORITIES ARE APPRECIATIVE THAT YOU HAVE BROUGHT THIS MATTER TO OUR ATTENTION, SINCE THE CONFISCATORY ACTION COMTEMPLATED IN YOUR LETTER DOES NOT "CONSTITUTE A MAJOR OR IMPORTANT OPERATION" WITHIN THE MEANING OF BK/L(61)8 NOR DOES THE "OFFENSIVE MATERIAL CONTAIN SERIOUS ATTACKS UPON THE OCCUPYING POWERS", BK/L(61)8 AUTHORIZES YOU TO CARRY OUT THE SEIZURES AND CONFISCATIONS IN QUESTION ACCORDANCE WITH PARAGRAPH 3 OF ORDINANCE 501 WITHOUT PRIOR REFERENCE TO THE ALLIED AUTHORITIES.  
END TEXT

8. US AUTHORITIES WOULD CONSULT WITH BRITISH AND FRENCH BEFORE SENDING LETTER:

9. ACTION REQUESTED:

DEPARTMENT: APPROVAL OF APPROACH AS REFLECTED IN DRAFT LETTER  
PARA 8. REQUEST APPROVAL SOONEST. LPD WISHES  
TO KNOW ASAP HOW TO PROCEED.

BONN: PLEASE ADVISE SHOULD YOU RAISE CONTENTS PARA 2  
WITH BONN GROUP REPS.



10. USCOB CONCURS. GEORGE

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## Message Attributes

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**Status:** NATIVE  
**Subject:** SEIZURE AND CONFISCATION OF US ORIGIN MAIL BY BERLIN POSTAL AUTHORITIES SUMMARY: U.S. AUTHORITIES HAVE BEEN ADVISED BY BER  
**TAGS:** PGOV, ETEL, US, GE  
**To:** STATE BONN  
**Type:** TE  
**vdkgvkey:** odbc://SAS/SAS.dbo.SAS\_Docs/9e6ee888-c288-dd11-92da-001cc4696bcc  
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